

**MINUTES  
STATE HEALTH FACILITIES COUNCIL**

**Thursday, February 27, 2020  
Room 145, 1st Floor  
Lucas State Office Building  
321 East 12<sup>th</sup> Street  
Des Moines, Iowa**

**ELECTRONIC MEETING**

This electronic meeting of the State Health Facilities Council was held in accordance with Iowa Code section 21.8 entitled "Electronic Meetings." The Code states that a governmental body may conduct a meeting by electronic means only if circumstances are such that a meeting in person is impossible or impractical and access is provided to the public. An in-person meeting of the Council to handle this limited agenda was impractical due to the schedules of the Council members and the resources of the Department. This electronic meeting originated in Room 145, 1st Floor, Lucas State Office Building, 321 E. 12<sup>th</sup> Street, Des Moines and public access to the meeting was provided at this location. Notices and agendas were posted in the building and posted on the Department's web site under the Certificate of Need Program.

**9:00 a.m. Roll Call**

**MEMBERS PRESENT VIA PHONE:** Dr. Harold Miller, Chairperson; Carol Earnhardt; Steve Dengle; and Brenda Perrin

**STAFF PRESENT:** Becky Swift (present in conference room)

**STAFF PRESENT VIA PHONE:** Heather Adams, Counsel for the State

**OTHERS PRESENT VIA PHONE:** Ed McIntosh, Dorsey & Whitney Attorneys at Law representing Mercy Medical Center Cedar Rapids and Becki Brommel, Brown Winick Attorneys at Law representing Living Center West

**I. REQUEST FOR DETERMINATION OF NON-REVIEWABILITY AND THE DEPARTMENT'S RESPONSE**

1. Mercy Medical Center, Cedar Rapids, Linn County – Replacement and change of ownership of its 55 bed long-term care Hallmar Unit.

Staff report by Becky Swift.

The sponsor was represented by Ed McIntosh, Dorsey & Whitney Law. The opposition, Living Center West, Cedar Rapids, Linn County, was represented by Becki Brommel, Brown Winick Law.

The chairperson granted each party 15 minutes for oral arguments regarding the Determination of Non-Reviewability. Granted to the sponsor was a five minute rebuttal.

A motion by Dingle, seconded by Earnhardt to affirm the Department's decision carried 4-0.

Chairperson Miller reminded the Council that the next in-person meeting would be held would be held May 20 and/or 21 at the State Lab Facility on the DMACC Campus in Ankeny. He also noted that there would need to be an electronic meeting in early July, prior to the regularly scheduled meeting, to hear several extension requests. Becky Swift will work with the Council to get that meeting set.

A motion by Earnhardt, seconded by Dingle, to adjourn carried unanimously by voice vote.

The meeting adjourned at 9:49 a.m.